

MSCLERSTEIN, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE SEPTEMBER 11 LITIGATION

IN RE SEPTEMBER 11 PROPERTY DAMAGE
AND BUSINESS LOSS LITIGATION

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/11/07</u>

21 MC 97 (AKH)
21 MC 101 (AKH)
This document relates to:
All Cases

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

WHEREAS, defendant AirTran Airways, Inc. ("AirTran") represents that on
September 11, 2001,

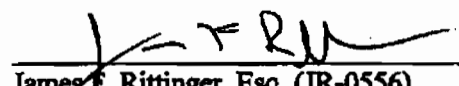
1. it did not utilize or operate out of any gates which required passengers to pass through (a) the Terminal B Main or Middle checkpoints or Terminal C checkpoint at Boston Logan International Airport or (b) the checkpoint at the Portland International Jetport;
2. it did not provide or participate or share in providing security or contracting for the provision of security at or in connection with (a) the Terminal B Main or Middle checkpoints or Terminal C checkpoint at Boston Logan International Airport, (b) the checkpoint at the Portland International Jetport, or (c) American Airlines Flight 11, United Airlines Flight 175 or Colgan Air Flight 5930; and
3. there are no other remaining claims or cross-claims pending against it, in any court, arising out of, relating to or resulting from American Airlines Flight 11 or United Airlines Flight 175 on September 11, 2001;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys of record for the respective parties hereto that the Cross-Claims by the Cross-Claim Plaintiffs World Trade Center Properties LLC, 1 World Trade Center LLC, 2 World Trade Center LLC, 4 World Trade Center LLC, 5 World Trade Center LLC and 7 World Trade Company, L.P. ("WTCP Entities"), contained in the Amended Cross-Claims by the

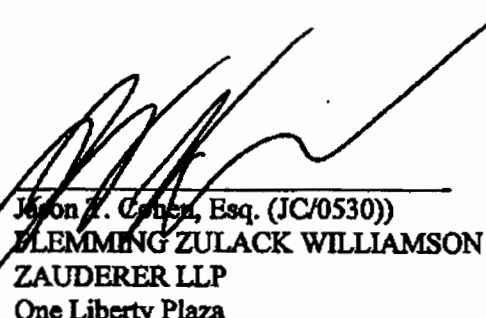
WTCP Entities Against Certain Defendants In Plaintiffs' Amended Flight 11 Master Liability Complaint and Cross-Claims by the WTCP Entities Against Certain Defendants In Plaintiffs' Amended 175 Master Liability Complaint, against defendant AirTran, are hereby dismissed without prejudice and without costs to either party as against the other.

WTCP Entities reserve the right to recommence their Cross-Claims if WTCP Entities learn facts which suggest that any representation recited in the first paragraph above is untrue. AirTran agrees that any such reinstatement of the Cross-Claims will relate back to the date of the original filing and that it will not assert a statute of limitations defense to the refiled claims.

Dated: May 9, 2007
New York, New York


James F. Rittinger, Esq. (JR-0556)
SATTERLEE STEPHENS BURKE &
BURKE LLP
230 Park Avenue
New York, New York 10169
(212) 818-9200

Attorneys for Defendant
AirTran Airways, Inc.


Jason T. Cohen, Esq. (JC/0530)
FLEMING ZULACK WILLIAMSON
ZAUDERER LLP
One Liberty Plaza
New York, New York 10006-1404
(212) 412-9500

Attorneys for Cross-Claim Plaintiffs
World Trade Center Properties LLC
1 World Trade Center LLC
2 World Trade Center LLC
4 World Trade Center LLC
5 World Trade Center LLC
7 World Trade Company, L.P.

SO ORDERED.

Dated: New York, New York
May 14, 2007


Alvin K. Hellerstein
United States District Judge